



## **PLANNING & PERMIT CENTER**

833 S. Spruce Street • Burlington WA 98233

Phone: (360) 755-9717

Email: [bplanning@burlingtonwa.gov](mailto:bplanning@burlingtonwa.gov)

# **FINAL ENVIRONMENTAL IMPACT STATEMENT TO EVALUATE THE IMPACTS OF THE DEVELOPMENT PROPOSAL TO AMEND THE COMPREHENSIVE PLAN AND ZONING DESIGNATIONS FOR A 17.19 ACRE SITE LOCATED AT THE SOUTHWEST CORNER OF EAST RIO VISTA AVENUE AND SOUTH GARDNER ROAD (AKA DELAHUNT PROPERTY); AND EVALUATE PRINCIPAL ALTERNATIVES TO THE PROPOSED ACTION**

**APPLICANT: SHARON ALDER LLC**

**LEAD AGENCY: CITYOF BURLINGTON**

Prepared for review by Citizens and Government Agencies in Compliance with the State Environmental Policy Act of 1971 (Chapter 43.21C Revised Code of Washington) as revised; the State Environmental Policy Act Rules, as revised (Chapter 197-11 Washington Administrative Code); and City of Burlington Municipal Code Chapter 15. 12 Environmental Policy; and the National Environmental Policy Act Pub. L 91-19, 42 U.S.C.4321-4347 as amended.

**DATE OF ISSUE: APRIL 8, 2015**

## TABLE OF CONTENTS

	<u>Page</u>
FACT SHEET.....	3
INTRODUCTORY NOTE.....	7
SUMMARY .....	7
COMMENTS RECEIVED .....	10
OBJECTIVES OF THE PROPOSAL.....	12
ALTERNATIVES INCLUDING THE PROPOSED ACTION .....	13
AFFECTED ENVIRONMENT, SIGNIFICANT IMPACTS, AND MITIGATION MEASURES .....	15
MAJOR CONCLUSIONS AND SIGNIFICANT AREAS OF CONTROVERSY AND UNCERTAINTY.....	16
COMMENT LETTERS AND COMMENTS AT PUBLIC HEARING.....	17
MAPS AND CONCEPT PLAN .....	18

## FACT SHEET

**PROJECT TITLE:** This is a proposal to establish a new comprehensive plan designation and zoning prior to annexation for a site that includes 15.09 acres of land that has been used as a farm, now zoned in Skagit County as Urban Reserve Residential (URR) that allows for one dwelling unit per five acres; and to amend the comprehensive plan designation and zoning on the 2.1 acre forested parcel to the west that has a 50 foot wide connection to South Section Street, now zoned as Open Space Parks and Agriculture (OSPA). ***The alternatives have been revised.***

### **1. Proposed Action - *The applicant is revising the initial proposal as follows:***

Annex the existing farm site, amend the Comprehensive Plan designation for both sites to Commercial Business (C-B) and rezone the area to Medium Residential and Neighborhood Business (MF-NB) with contract rezone conditions to allow urban development of the site.

Commercial uses would be limited to the location of the existing farm related buildings. Single family development at 1 unit/6,000 square feet of lot area would be required along East Rio Vista Avenue and the west side of the 2.1-acre parcel (adjacent to Reanna Place) and duplexes would be allowed on the north side of the connecting street at the ratio of one duplex per 7,600 square feet of lot area.

The balance of the site except for the Special Flood Risk Zone located three hundred feet from the landward toe of the levee would be developed with up to 120 apartments, 35' or three stories in height, with a maximum building footprint of more than 8,000 square feet.

Landscape screening would be installed between multi-family sites, commercial sites, and single family residences. A connecting street would be constructed from Section Street to Gardner Road. Overflow parking would be constructed for boat launch for displaced Gardner Road parking.

### **2. Alternative converting apartments to townhouses – This alternative is the same as Proposed Action, but limited to 60 townhouse dwelling units, up to 35', three stories in height.**

Annex the existing farm site, amend the Comprehensive Plan designation for both sites to Commercial Business (C-B) and rezone the area to Medium Residential and Neighborhood Business (MF-NB) with contract rezone conditions to allow urban development of the site.

Commercial uses would be limited to the location of the existing farm related buildings. Single family development at 1 unit/6,000 square feet of lot area would be required along East Rio Vista Avenue and the west side of the 2.1-acre parcel (adjacent to Reanna Place) and duplexes would be allowed on the north side of the connecting street at the ratio of one duplex per 7,600 square feet of lot area.

The balance of the site except for the Special Flood Risk Zone located three hundred feet from the landward toe of the levee would be developed with up to 60 townhouses, 35' or three stories in height, with a maximum building footprint of more than 8,000 square feet.

Landscape screening would be installed between multi-family sites, commercial sites, and single family residences. A connecting street would be constructed from Section Street to Gardner Road. Overflow parking would be constructed for boat launch for displaced Gardner Road parking.

**3. Alternative with apartments limited to the standards in the MR-NB zoning district -**

This alternative is the same as Proposed Action, but with apartments at a maximum of eight dwelling units, maximum building size of 6,500 square feet and two stories, but not more than 35 feet in height.

Annex the existing farm site, amend the Comprehensive Plan designation for both sites to Commercial Business (C-B) and rezone the area to Medium Residential and Neighborhood Business (MF-NB) with contract rezone conditions to allow urban development of the site.

Commercial uses would be limited to the location of the existing farm related buildings. Single family development at 1 unit/6,000 square feet of lot area would be required along East Rio Vista Avenue and the west side of the 2.1-acre parcel (adjacent to Reanna Place) and duplexes would be allowed on the north side of the connecting street at the ratio of one duplex per 7,600 square feet of lot area.

The balance of the site except for the Special Flood Risk Zone located three hundred feet from the landward toe of the levee would be developed into apartments of up to eight units per building, 35' or two stories in height, with a maximum building footprint of not more than 6,500 square feet.

Landscape screening would be installed between multi-family sites, commercial sites, and single family residences. A connecting street would be constructed from Section Street to Gardner Road. Overflow parking would be constructed for boat launch for displaced Gardner Road parking.

**4. Alternative with single family, duplex and townhouse as the permitted residential uses –**

Amend the Comprehensive Plan to C-B Commercial Business for existing farm building site and set zoning for that portion as MR-NB, Medium Residential and Commercial Business to allow commercial uses to continue. Amend the Comprehensive Plan to SF-D Single Family and Duplex for the remainder of the site and set zoning at 6,000 square foot minimum lot size for single family and 7,600 square foot minimum lot size for duplex. Townhouses would be permitted subject to BMC 17.45.015, Mini-lots permitted without setbacks, that allows subdivisions to create zero lot line residences or small lots without yards.

A contract rezone would be required to be approved for a specific site plan with the zoning concept for the overall site as a combination of Single Family, Duplex and Townhouse mini-lots for an overall density of 3,000 square feet per lot. Height limit would be two stories.

**5. Alternative with single family and duplex as the permitted residential uses-**

Amend the Comprehensive Plan to C-B Commercial Business for existing farm building site and set zoning for that portion as MR-NB, Medium Residential and Commercial Business to allow commercial uses to continue. Amend the Comprehensive Plan to SF-D Single Family and Duplex for the remainder of the site and set zoning as Single Family and Duplex R-2 for a combination of single family homes and duplexes, 7,600 square foot minimum lot size.

**6. No Action Alternative** - Retain existing zoning in City Limits and Skagit County Urban Growth Area resulting in no development on 2.1 acre site and a maximum of 3 single family dwellings on portion in Skagit County; site will not be annexed into City Limits.

**PROPONENT:** Sharon Alder LLC

**TENTATIVE DATE FOR IMPLEMENTATION:** 2015

**LEAD AGENCY:** City of Burlington

**RESPONSIBLE OFFICIAL AND CONTACT PERSON:**

Margaret Fleek, Planning Director  
833 S. Spruce Street  
Burlington, Washington 98233

**PHONE NUMBER AND STREET ADDRESS FOR WALK IN INQUIRIES**

360-755-9717  
833 S. Spruce Street, Burlington WA

**LICENSES, PERMITS AND APPROVALS**

Comprehensive Plan Amendment  
Contract Rezone  
Annexation  
Land Use Permit  
Construction Permits

**AUTHORS AND PRINCIPAL CONTRIBUTORS**

Margaret Fleek, Planning Director

Sharon Alder LLC, Applicant

**DATE OF ISSUE OF FINAL ENVIRONMENTAL IMPACT STATEMENT**

March , 2015

**DATE FINAL ACTION IS PLANNED**

March 2015

**TYPE AND TIMING OF SUBSEQUENT ENVIRONMENTAL REVIEW**

Supplemental environmental review is not anticipated at this time.

**LOCATION OF BACKGROUND MATERIAL**

Background material and supporting documents may be found at the offices of the Burlington Planning Department located at 833 S. Spruce Street, Burlington, Washington

**COST OF FINAL ENVIRONMENTAL IMPACT STATEMENT**

No cost.

## INTRODUCTORY NOTE

The Draft Environmental Impact Statement was issued on February 3, 2015 and a public hearing was held on March 3, 2015 to take comments in addition to receiving written comments through March 4, 2015.

The issuance of the Final Environmental Impact Statement may be appealed to the City Council, and if an appeal is filed, it will be heard by the City Council before action is taken to make a recommendation on the future zoning that would be adopted at such time as the site is annexed.

## SUMMARY

Applicant is proposing to develop 7 lots for single family and 15 duplex homes. The site plan also shows development of 6, three story apartment buildings with up to 120 (revised from 150 by applicant) dwelling units. Additional parking for the boat launch ramp is shown along Gardner Road, and 3 acres of open space are shown adjacent to the levee. The existing farm buildings will include small business enterprises. See Appendix B for concept plan and map.

The Comprehensive Plan for the City of Burlington was last updated in 2005 and this area was all classified as Open Space Parks and Agriculture (OSPA), before Skagit County rezoned the Urban Growth Area portion of the site to Urban Reserve Residential (URR). See Appendix A. The applicant is proposing to reclassify the Comprehensive Plan designation for the area, both in the current City Limits and in the Urban Growth Area to Commercial Business (CB). This action would be accompanied by a contract rezone that would zone the site as Medium Residential and Neighborhood Business (MR-NB) with additional contract rezone components.

Land located within 300 feet of the landward toe of the Skagit River levee is designated as Special Flood Risk in the Critical Areas Code with open space only in the first 100 feet and very limited use in the next 200 feet, such as parking, access and yards. The City is recommending that no structures be permitted in that area under any of the alternatives.

The permit process in Burlington includes review of the site plan, building elevations, landscaping, parking and design by the Planning Commission for all new construction.

**PROJECT TITLE:** This is a proposal to establish a new comprehensive plan designation and zoning prior to annexation for a site that includes 15.09 acres of land that has been used as a farm, now zoned in Skagit County as Urban Reserve Residential (URR) that allows for one dwelling unit per five acres; and to amend the comprehensive plan designation and zoning on the 2.1 acre forested parcel to the west that has a 50 foot wide connection to South Section Street, now zoned as Open Space Parks and Agriculture (OSPA). ***The alternatives have been revised.***

**1. Proposed Action - *The applicant is revising the initial proposal as follows:***

Annex the existing farm site, amend the Comprehensive Plan designation for both sites to Commercial Business (C-B) and rezone the area to Medium Residential and Neighborhood Business (MF-NB) with contract rezone conditions to allow urban development of the site.

Commercial uses would be limited to the location of the existing farm related buildings. Single family development at 1 unit/6,000 square feet of lot area would be required along East Rio Vista Avenue and the west side of the 2.1-acre parcel (adjacent to Reanna Place) and duplexes would be allowed on the north side of the connecting street at the ratio of one duplex per 7,600 square feet of lot area.

The balance of the site except for the Special Flood Risk Zone located three hundred feet from the landward toe of the levee would be developed with up to 120 apartments, 35' or three stories in height, with a maximum building footprint of more than 8,000 square feet.

Landscape screening would be installed between multi-family sites, commercial sites, and single family residences. A connecting street would be constructed from Section Street to Gardner Road. Overflow parking would be constructed for boat launch for displaced Gardner Road parking.

**2. Alternative converting apartments to townhouses – This alternative is the same as Proposed Action, but limited to 60 townhouse dwelling units, up to 35', three stories in height.**

Annex the existing farm site, amend the Comprehensive Plan designation for both sites to Commercial Business (C-B) and rezone the area to Medium Residential and Neighborhood Business (MF-NB) with contract rezone conditions to allow urban development of the site.

Commercial uses would be limited to the location of the existing farm related buildings. Single family development at 1 unit/6,000 square feet of lot area would be required along East Rio Vista Avenue and the west side of the 2.1-acre parcel (adjacent to Reanna Place) and duplexes would be allowed on the north side of the connecting street at the ratio of one duplex per 7,600 square feet of lot area.

The balance of the site except for the Special Flood Risk Zone located three hundred feet from the landward toe of the levee would be developed with up to 60 townhouses, 35' or three stories in height, with a maximum building footprint of more than 8,000 square feet.

Landscape screening would be installed between multi-family sites, commercial sites, and single family residences. A connecting street would be constructed from Section Street to Gardner Road. Overflow parking would be constructed for boat launch for displaced Gardner Road parking.

**3. Alternative with apartments limited to the standards in the MR-NB zoning district -**



This alternative is the same as Proposed Action, but with apartments at a maximum of eight dwelling units, maximum building size of 6,500 square feet and two stories, but not more than 35 feet in height.

Annex the existing farm site, amend the Comprehensive Plan designation for both sites to Commercial Business (C-B) and rezone the area to Medium Residential and Neighborhood Business (MF-NB) with contract rezone conditions to allow urban development of the site.

Commercial uses would be limited to the location of the existing farm related buildings. Single family development at 1 unit/6,000 square feet of lot area would be required along East Rio Vista Avenue and the west side of the 2.1-acre parcel (adjacent to Reanna Place) and duplexes would be allowed on the north side of the connecting street at the ratio of one duplex per 7,600 square feet of lot area.

The balance of the site except for the Special Flood Risk Zone located three hundred feet from the landward toe of the levee would be developed into apartments of up to eight units per building, 35' or two stories in height, with a maximum building footprint of not more than 6,500 square feet.

Landscape screening would be installed between multi-family sites, commercial sites, and single family residences. A connecting street would be constructed from Section Street to Gardner Road. Overflow parking would be constructed for boat launch for displaced Gardner Road parking.

**4. Alternative with single family, duplex and townhouse as the permitted residential uses –** Amend the Comprehensive Plan to C-B Commercial Business for existing farm building site and set zoning for that portion as MR-NB, Medium Residential and Commercial Business to allow commercial uses to continue. Amend the Comprehensive Plan to SF-D Single Family and Duplex for the remainder of the site and set zoning at 6,000 square foot minimum lot size for single family and 7,600 square foot minimum lot size for duplex. Townhouses would be permitted subject to BMC 17.45.015, Mini-lots permitted without setbacks, that allows subdivisions to create zero lot line residences or small lots without yards.

A contract rezone would be required to be approved for a specific site plan with the zoning concept for the overall site as a combination of Single Family, Duplex and Townhouse mini-lots for an overall density of 3,000 square feet per lot. Height limit would be two stories.

**5. Alternative with single family and duplex as the permitted residential uses-** Amend the Comprehensive Plan to C-B Commercial Business for existing farm building site and set zoning for that portion as MR-NB, Medium Residential and Commercial Business to allow commercial uses to continue. Amend the Comprehensive Plan to SF-D Single Family and Duplex for the remainder of the site and set zoning as Single Family and Duplex R-2 for a combination of single family homes and duplexes, 7,600 square foot minimum lot size.

**6. No Action Alternative** - Retain existing comprehensive plan designation and zoning in City Limits and Skagit County Urban Growth Area resulting in no development on 2.1 acre site and a maximum of 3 single family dwellings on portion in Skagit County; site will not be annexed into City Limits.

## **COMMENTS ON PROPOSED ACTION**

***Comments received during the draft environmental impact statement comment period include the following summary of written comments, (copies attached), and public hearing comments:***

**Nealie and John Heineken:** Opposed to Apartment Development; Home values will go down, existing homeowners are still trying to recover from the loss of value during the recession. Local realtor has advised that the proposed apartment development will further devalue their homes. The list of reasons for opposing the proposal includes Property Values, Noise, Crime, Flooding, Visual Impact, Traffic, Schools are crowded and LU has class sizes at max, Children safety if they play in the woods and could drown in the river.

**Sonia and James Harvey:** Instead of more congested dwellings, this area should be in public ownership and promoted as a public, scenic and recreational area for visitors and residents.

**Sonia Harvey and Family and additional e-mail:** Can local residents sue for damages resulting from the high density apartment development; what about schools overcrowded; drowning hazard in the back yard; flood evacuation over the train tracks; natural disaster mitigation versus don't build it here in the first place. Why add to the current unresolved problems of SR 20 gridlock and dangerous pedestrian crossings.

**Jeanne Mahoney:** Section Street access is in the wrong location; should be aligned with the entrance to the Park; traffic will be well above the statement of 150 cars, more likely around 500 (NOTE: that is the P.M. Peak hour estimate in the draft EIS, not the entire day). This access on Section Street will cause major disruption to the existing neighborhood on Section and Reanna Place, as well as the users of the volleyball court at Rotary Park. There is no reason for the city to rush to a decision; thoroughly consider the ramifications.

**John Semrau, PE and PLS:** On behalf of Skagit County Dike, Drainage and Irrigation District #12, there is an easement REQUIRED along the proposed frontage of the DD#12 levee. Any proposed improvements in the Special Flood Risk Zone, such as overflow parking or street improvements must be designed in consultation with DD#12 to ensure consistency with the levee improvement program.

**Tim Thompson:** Strongly oppose the site being used for multifamily dwellings; damage to the park like setting location near the river access and boat launch, additional activity and possible

criminal element; concerned about the appearance of large apartment buildings in an existing single family neighborhood.

**Ron Small:** Family has owned the property bordering the west side for almost 50 years; last thing they want is 3 story apartment complexes, duplexes or townhouses looking down on their site. This is not only because of privacy, but effect on property values. Single family would be okay because homeowners take pride in their place, but anything else seems like temporary housing and there is no place for it in the neighborhood. At one time, there was a migrant camp at the site and there were robbed several times.

**Robert Malphus, Sr:** There will be a significant adverse impact on the surrounding area, existing neighborhoods, boat launch ramp and this will also be experienced by the rest of the Burlington community. The school system is not able to absorb the hundreds of children that the proposed development will bring, and there is the lack of a site for a new school. This proposal flies in the face of the envisioned green belts surrounding the community. No action is the best option.

**David Powell:** Apartments are shown at ground level; will they be elevated to meet flood elevation requirements. Fire truck access and turnaround are a concern. The overflow parking is not enough for both boaters and walkers; concern with overflow parking on a slope.

**E-mail shooting\_star87:** Can property owners sue for property damage, quality of life, school overcrowding, flood hazard and difficulty in evacuating, problems with SR 20 and other issues, if a developer wants to cram apartments on a quiet and rural piece of property and other damages?

## ***COMMENTS RECEIVED DURING THE PUBLIC HEARING ARE ATTACHED***

### ***Comments received prior to publication of draft environmental impact statement include:***

- Concerns about increased traffic congestion and safety, increased traffic delays and backups because of heavy train traffic, access road closed during high water.
- Change in the character of the area, visual impact, diminishing the rural look and feel of the area and adversely affecting the use of the Dike Trail as a result, loss of farmland, noise, preserving wildlife habitat, open space and natural areas adjacent to the boat launch ramp.
- Impact on schools, roads in disrepair and no sidewalks for safe travel to school, renters do not pay school taxes and homeowners will have to pay more for schools.
- Increased demand for emergency services.

- Group apartments together in appropriate geographic location, loss of property values for existing homeowners by adding apartments to the neighborhood; no more low income housing in this vicinity, housing for Seniors would be preferred.
- Too tall buildings, increased potential for crime, decrease in neighborhood safety.
- Locating high density housing directly adjacent to the Skagit River levee in the 100 year floodplain, flooding concerns.
- Not enough parking for boat trailers during fishing season.
- Sprawling use of the Gardner Road public areas by occupants of the apartments leading to damage to the forested buffer area, unsafe for children going to the river without supervision.
- Resolve existing septic system problems in area before any new development is allowed.
- Misunderstanding about the role of the City. The City does NOT and did NOT own the forested parcel that the Dike District sold to the applicant.
- Dike District #12 requirement for an easement adjacent to the toe of the levee to comply with maintenance standards of the Corps of Engineers PL84-99 program.

The scope of the Environmental Impact Statement and alternatives to be considered was developed in an effort to address the comments received. The decision to include this site in the Burlington Urban Growth Area was made by Skagit County at the time the Washington State Growth Management Act was implemented in the mid-1990's. Because the land is in private ownership, the options available to the City are somewhat constrained.

## **OBJECTIVES OF THE PROPOSAL**

The objective of the proposal is to put urban zoning standards in place that will allow the applicant to develop an existing site that includes a farm and a forested area to a combined single family and apartment housing development, with additional height and building size for the apartment area and continued residential and business use of the existing farm buildings. Mitigation of the impacts of the proposed development are stated as providing two means of access to the site, retaining 3 acres adjacent to the levee as open space, and developing an additional parking area for vehicles and trailers using the adjoining boat launch ramp.

## **ALTERNATIVES INCLUDING THE PROPOSED ACTION**

**The purpose of including a discussion of alternatives is to inform decision-makers and the public of reasonable alternatives, including mitigation measures that would avoid or minimize adverse impacts or enhance environmental quality.**

### **DESCRIPTION OF APPLICANT'S PROPOSAL - *The applicant is revising the initial proposal as follows:***

Annex the existing farm site, amend the Comprehensive Plan designation for both sites to Commercial Business (C-B) and rezone the area to Medium Residential and Neighborhood Business (MF-NB) with contract rezone conditions to allow urban development of the site.

Commercial uses would be limited to the location of the existing farm related buildings. Single family development at 1 unit/6,000 square feet of lot area would be required along East Rio Vista Avenue and the west side of the 2.1-acre parcel (adjacent to Reanna Place) and duplexes would be allowed on the north side of the connecting street at the ratio of one duplex per 7,600 square feet of lot area.

The balance of the site except for the Special Flood Risk Zone located three hundred feet from the landward toe of the levee would be developed with up to 120 apartments, 35' or three stories in height, with a maximum building footprint of more than 8,000 square feet.

Landscape screening would be installed between multi-family sites, commercial sites, and single family residences. A connecting street would be constructed from Section Street to Gardner Road. Overflow parking would be constructed for boat launch for displaced Gardner Road parking.

***Revised Alternative converting apartments to townhouses*** – This alternative is the same as Proposed Action, but limited to 60 townhouse dwelling units, up to 35', three stories in height.

Annex the existing farm site, amend the Comprehensive Plan designation for both sites to Commercial Business (C-B) and rezone the area to Medium Residential and Neighborhood Business (MF-NB) with contract rezone conditions to allow urban development of the site.

Commercial uses would be limited to the location of the existing farm related buildings. Single family development at 1 unit/6,000 square feet of lot area would be required along East Rio Vista Avenue and the west side of the 2.1-acre parcel (adjacent to Reanna Place) and duplexes would be allowed on the north side of the connecting street at the ratio of one duplex per 7,600 square feet of lot area.

The balance of the site except for the Special Flood Risk Zone located three hundred feet from the landward toe of the levee would be developed with up to 60 townhouses, 35' or three stories in height, with a maximum building footprint of more than 8,000 square feet.

Landscape screening would be installed between multi-family sites, commercial sites, and single family residences. A connecting street would be constructed from Section Street to Gardner Road. Overflow parking would be constructed for boat launch for displaced Gardner Road parking.

***Revised Alternative with apartments limited to the standards in the MR-NB zoning district -***

This alternative is the same as Proposed Action, but with apartments at a maximum of eight dwelling units, maximum building size of 6,500 square feet and two stories, but not more than 35 feet in height.

Annex the existing farm site, amend the Comprehensive Plan designation for both sites to Commercial Business (C-B) and rezone the area to Medium Residential and Neighborhood Business (MF-NB) with contract rezone conditions to allow urban development of the site.

Commercial uses would be limited to the location of the existing farm related buildings. Single family development at 1 unit/6,000 square feet of lot area would be required along East Rio Vista Avenue and the west side of the 2.1-acre parcel (adjacent to Reanna Place) and duplexes would be allowed on the north side of the connecting street at the ratio of one duplex per 7,600 square feet of lot area.

The balance of the site except for the Special Flood Risk Zone located three hundred feet from the landward toe of the levee would be developed into apartments of up to eight units per building, 35' or two stories in height, with a maximum building footprint of not more than 6,500 square feet.

Landscape screening would be installed between multi-family sites, commercial sites, and single family residences. A connecting street would be constructed from Section Street to Gardner Road. Overflow parking would be constructed for boat launch for displaced Gardner Road parking.

***Revised Alternative with single family, duplex and townhouse as the permitted residential***

***uses*** – Amend the Comprehensive Plan to C-B Commercial Business for existing farm building site and set zoning for that portion as MR-NB, Medium Residential and Commercial Business to allow commercial uses to continue. Amend the Comprehensive Plan to SF-D Single Family and Duplex for the remainder of the site and set zoning at 6,000 square foot minimum lot size for single family and 7,600 square foot minimum lot size for duplex. Townhouses would be permitted subject to BMC 17.45.015, Mini-lots permitted without setbacks, that allows subdivisions to create zero lot line residences or small lots without yards.

A contract rezone would be required to be approved for a specific site plan with the zoning concept for the overall site as a combination of Single Family, Duplex and Townhouse mini-lots for an overall density of 3,000 square feet per lot. Height limit would be two stories.

***Revised Alternative with single family and duplex as the permitted residential uses-***

Amend the Comprehensive Plan to C-B Commercial Business for existing farm building site and set zoning for that portion as MR-NB, Medium Residential and Commercial Business to allow commercial uses to continue. Amend the Comprehensive Plan to SF-D Single Family and Duplex for the remainder of the site and set zoning as Single Family R-1-6.0 and Duplex R-2 for a combination of single family homes, 6,000 square foot minimum lot size and duplexes, 7,600 square foot minimum lot size.

***No Action Alternative*** - Retain existing zoning in City Limits and Skagit County Urban Growth Area resulting in no development on 2.1 acre site and a maximum of 3 single family dwellings on portion in Skagit County; site will not be annexed into City Limits.

## **AFFECTED ENVIRONMENT, SIGNIFICANT IMPACTS AND MITIGATION MEASURES**

The proposed action has a significant impact on the area. Development of this site as proposed will result in a major change in the character of the area with significant effects on the existing public open space and access area, because of the high density residential development that is proposed.

Approximately 115 additional p.m. peak hour trips will be generated by the increased traffic.

While there is no specific method to determine the impacts on the schools, there will be a significant increase in the number of students in the school district, with the addition of over 100 dwelling units.

The proposed mitigation measures consist of retaining 3 acres of open space adjacent to the landward toe of the levee, construction of a second means of access to the site on South Section Street, and development of additional parking for vehicles and trailers during fishing season, adjacent to Gardner Road right-of-way.

Street improvements would be required to relocate the gates closing off access to the boat launch ramp, pave and add a sidewalk to the west side of the street up to the driveway that serves the site. The major street improvements to serve the larger area, such as sidewalks on Gardner Road, Rio Vista Avenue and South Section Street are not feasible to be constructed by the applicant because of the extent of the area that is in need of major work.

Unavoidable adverse impacts include:

- increased traffic including peak hour traffic
- increased student population in the schools
- inadequate pedestrian facilities on adjacent streets
- a significant change in the character of the area
- substantial increase in use of the existing open space and buffer area and the walking trail on the levee along the Skagit River

## **MAJOR CONCLUSIONS AND SIGNIFICANT AREAS OF CONTROVERSY AND UNCERTAINTY**

This site is located at the southeast corner of the community directly adjacent to the Skagit River Levee and the Gus Tjeerdsma Boat Launch Ramp, a major public access point to the Skagit River. The development of this site as proposed will result in a major change in the character of the area with significant effects on the existing public open space and access area, because of the high density residential development that is proposed.

There will be a significant increase in traffic on the residential access streets in the area. At present, there are no sidewalks on Gardner Road, Rio Vista Avenue or South Section Street in the vicinity of the site. The student population of local schools will increase significantly.

The location of the City of Burlington in the Skagit River floodplain and of this specific site directly adjacent to the levee that is not certified as providing 100-year flood protection will require evacuation of the homes and apartments during major flood events.

Significant areas of controversy and uncertainty include whether or not the proposed amendments to the Comprehensive Plan and Zoning Code are in the best long term interest of the community, or whether an alternative identified in this Environmental Impact Statement should be approved. The site is partially in the City Limits and a major portion is in the Skagit County Urban Growth Area, and the question of what constitutes a reasonable level of urban development based on the unique location is a matter of controversy.



***COMMENT LETTERS AND COMMENTS RECEIVED DURING THE PUBLIC HEARING***

PUBLIC HEARING DATE: March 3, 2015

PROJECT NAME: Public Hearing on Environmental Impact Statement  
for Delahunt/surrounding property at Rio Vista & Gardner Road.  
Sharon Alder LLC, applicant

	NAME (please print)	COMPLETE MAILING ADDRESS street-city-zip	PARTY OF RECORD TO RECEIVE FURTHER NOTICES		WISH TO SPEAK AT THIS PUBLIC HEARING	
			YES	or - NO	YES	or - NO
14	PAUL JOHNSON	1902 SPARKS LN BURLINGTON, WA	X		X	<del>NO</del>
15	Diane Holden	1717 Rio Vista Burlington WA	X			
16	Marge Wade	692 S Wade Pl Burlington, WA	X		X	<del>NO</del>
17	BEV VANDERPOOL	696 S. WADE PL, Burlington, WA.	X			
18	Pearce Hume	1602 E Rio Vista	X		X	
19	Al Carlin	1602 E Rio Vista Ave.				
20	Bruce Ludwig	1600 E Rio Vista Ave		X		X
21	Linda A. Smith	1901 Sunset Drive Burl.	X		X	
22	Nealie Heineman	1721 E Rio Vista	X		X	
23	Kelly Moss	1735 E Fairhaven Ave	X		X	
24	Abigail Ledwinski	1735 E Fairhaven Ave	X			X
25	Ron Small	1301 Talcott Sedro Woolley 98287	X			X
26	Curt Small	933 E. Sharon Ave, Burl	X			X



PUBLIC HEARING DATE: March 3, 2015

PROJECT NAME: Public Hearing on Environmental Impact Statement  
for Delahunt/surrounding property at Rio Vista & Gardner Road.  
Sharon Alder LLC, applicant

	NAME (please print)	COMPLETE MAILING ADDRESS street-city-zip	PARTY OF RECORD TO RECEIVE FURTHER NOTICES		WISH TO SPEAK AT THIS PUBLIC HEARING	
			YES	or - NO	YES	or - NO
1	DAVID B POWELL	1608E RIO VISTA BURLINGTON WA	✓			
2	Bennie Morris	23290 Alamy Way, Mt Rainier		✓		✓
3	Sonia Harney	20780 Travis Ln Burlington	✓		✓	
4	Mark Amundson	762 Regina Place Burlington	✓		✓	
5	Jessica Amundson	762 Reanna Place Burlington	✓		✓	
6	John Heinicke	1721 ERIO Vista Ave	✓		✓	
7	DON & LINDA NELSON	712 WADE PL. BURLINGTON	✓		✓	
8	JOHN B. SEARLES DD17	2118 RIVERSIDE DR SUITE 200 MOUNT VERNON WA 98273	✓		✓	
9	Janey & Monisha Fulton	403 Kentlake Rd Burlington WA 98233	✓			✓
10	BLAIR DEMPSEY	BURLINGTON CITY HALL	✓			✓
11						
12						
13						



## PUBLIC HEARING COMMENTS ON DRAFT ENVIRONMENTAL IMPACT STATEMENT

**MARCH 3, 2015**

***Council Chambers, City Hall  
833 S. Spruce Street, Burlington, WA***

**STAFF:** Margaret Fleek and Kim O'Hara

### **Environment Impact Statement - Public Hearing**

**PROJECT TITLE:** This is a proposal to establish a new comprehensive plan designation and zoning prior to annexation for a site that includes 15.09 acres of land that has been used as a farm, now zoned in Skagit County as Urban Reserve Residential (URR) that allows for one dwelling unit per five acres; and to amend the comprehensive plan designation and zoning on the 2.1 acre forested parcel to the west that has a 50 foot wide connection to South Section Street, now zoned as Open Space Parks and Agriculture (OSPA).

**PROPONENT:** Sharon Alder LLC

**Fleek** gave an overview of Environmental Impact Statement (EIS) process. 1) Comments are accepted through 5:00 p.m. on March 4, 2015. 2) The final EIS will be issued that addresses the comments, alternatives and impacts. 3) The Planning Commission will hold a public hearing on future zoning. 4) The City Council will make a recommendation on zoning that will go in to place when the property is annexed; unless the applicant prefers to keep the property in Skagit County.

### **PROPOSED ACTION AND ALTERNATIVES**

#### **1. Proposed Action**

- Amend the Comprehensive Plan designation for both sites to Commercial Business (C-B)
- Rezone portion in the County that is currently Urban Reserve Residential (URR) and portion in the City Limits that is currently Open Space Parks and Agriculture (OSPA)
- Establish new zoning for the total 17.19 acre site as Medium Residential and Neighborhood Business (MR-NB). Add contract rezone conditions to the total site as follows:
  - A. Single family development along East Rio Vista Avenue and the west side of the 2.1-acre parcel.
  - B. Construct connecting street from Section Street to Gardner Road.
  - C. Develop overflow parking for boat launch for displaced Gardner Road parking.
  - D. Landscape screening between multi-family or commercial sites and single family residences.
  - E. Three story buildings allowed with a maximum height of 35' except in single family area.
  - F. Total number of apartment units shall be not more than 150.
  - G. Commercial uses shall be limited to the location of the existing farm related buildings.
  - H. Maximum building footprint increased from 6,500 square feet to 8,000 sq. ft.
  - I. Minimum 3 acres of open space.
- Annex the 15.09 acre portion of the site into the Burlington City Limits

2. **Alternative A** – Same as Proposed Action, but limited to two story apartments. – Limit total apartment units to not more than 100.
3. **Alternative B** – Establish new zoning for the total 17.19 acre site as Medium Residential Neighborhood Business (MR-NB) with a contract rezone limiting commercial uses to the existing buildings. Remainder of site would be in residential use, including apartment buildings of up to 8 units, single family homes and duplexes.
4. **Alternative C** – Amend the Comprehensive Plan designation for both sites to Commercial Business (C-B) and establish new zoning for the total 17.19 acre site as Medium Residential and Neighborhood Business (MR-NB). Contract rezone conditions as follows:
  - Limit commercial uses to the existing farm related buildings
  - Remainder of the site would be in residential use with no minimum lot size, including single family homes, duplexes and townhouses (common wall residences).
  - Alternative C, as proposed, would not allow for construction of apartment buildings. In the event the proponent wanted to building apartments in the future they would have to apply for and receive approval for a contract rezone allowing such construction.
  - Landscaping requirements per Zoning Code.
5. **Alternative D** – Amend the Comprehensive Plan to C-B Commercial Business for existing farm building site and set zoning for that portion as MR-NB, Medium Residential and Commercial Business to allow commercial uses to continue. Amend the Comprehensive Plan to SF-D Single Family and Duplex for the remainder of the site and set zoning as Single Family R-1-6.0 and Duplex R-2 for a combination of single family homes, 6,000 square foot minimum lot size and duplexes, 7,600 square foot minimum lot size.
6. **No Action** - Retain existing zoning in City Limits and Skagit County Urban Growth Area resulting in no development on 2.1 acre site and a maximum of 3 single family dwellings on portion in Skagit County; site will not be annexed into City Limits.

Public hearing opened. *Fleek* stated that comments will be limited to three minutes and encouraged people to talk about environmental impacts and alternatives preferred.

**David Powell, 1608 E Rio Vista Avenue** – concerned about the proposed development dead end streets and fire access in the site plan layout and emergency services being able to get their large trucks in/out, the lack of boat launch parking; more parking is needed with fisherman, dog walkers, and people walking/jogging along the dikes. The parking shown on the plan is on the dike on a slope and that will not work for trucks with trailers/boats.

**Sonya Harvey, 20780 Travis Lane** –asked who is benefitting from this development. The area is next to the river; recently there was an article in the just an article in the paper about mitigation and easement for land owners having to give up part of their property so development was not next to the river. A development of this size will have an impact on the river as well as taking away some recreational opportunities. The development will also have a huge impact on the schools. Also concerns for safety – if the coal train blocks the tracks causing limited access while using evacuation routes, SR 20 will be gridlock.

**Mark Ammons, 762 Reanna Place** – originally the property was farm land and now if developed we will only see rooftops and all the roofing vents. The additional streets will create more runoff into the streams/rivers. Will there be a detention pond to recycle the water; it is an environmental disaster. This site should be left as open space, it is prime farm land. It is a mistake to just put houses on this land.

**Jessica Ammons, 762 Reanna Place** – concerns are for safety; their house has been burglarized; will there be enough police? Also a concern for the amount of traffic generated; will a traffic light be installed at SR 20 and Section Street?

**John Heinikin, 1721 E Rio Vista** – lives across the street from potato shed. As he is looking at the large display the applicant provided it shows how many cars could possibly be in this development. There is not enough space on Rio Vista or Gardner to accommodate this many more vehicles. There will be no room for fishing or kids playing back there. #6, No Action is his vote.

**Don Nelson, 712 S Wade Place** – is opposed to this action. Huge impacts on Lucille Umbarger and the Burlington-Edison school district. His wife works for the school district and the schools are full. The volume of children that could be in an apartment complex that size would greatly affect the schools and cause issues, not to mention bussing the kids; and busses are an impact to the carbon footprint. Also, feels that rezoning any part of the site for neighborhood business makes no sense as the City of Burlington receives more taxes per capita than most cities in the State of Washington.

**John Semrau, Semrau Engineering – representing Dike District #12, 1005 Digby Road, Mount Vernon** –Dike District 12 appreciates that their need for easements in this area was included in EIS. Dike District is in favor of the overflow parking within the Special Flood Risk Zone as long as the improvements follow the minor fills and excavations portion of the development regulations as well as none of those improvements block, prevent or fall within the easement areas. Dike District 12 will also be submitting additional written comments along with design plans prepared by Reichart & Ebe for the Gardner Road boat launch improvements for the levy certification project.

**Paul Johnson, 1902 Sparrs Lane** – most his concerns have already been mentioned. 150 additional units (# does not include duplexes or houses) @ 2.5 kids equals an extra 375 kids at Lucille Umbarger, at 25 kids per classroom that = 15 more classrooms. Where are the class rooms going to be? As a member of the neighborhood, Gardner Road and Rio Vista area already busy streets and that many more vehicles will be safety hazard. It will completely change that corner of Burlington, and does not see this as a benefit to Burlington at this time.

**Marge Wade, 690 S. Wade Place** – is against the project most of her concerns have been address by the other speakers. If approved there will be a lot more problems with vehicle prowls and neighborhood crime.

**Diane Hume, 1602 E Rio Vista** – moved to Burlington a few years ago moved to a house with the Dike District property behind her believing it would remain zoned open space. She is concerned with fire trucks getting in/out of proposed cul de sacs, increased property taxes, and keeping the very significant space of the dike from Mount Vernon to Sedro Woolley as an asset. The City of Burlington has been wise in using the park system as a basis for economic base for the town. People come to town to tournaments and enjoy the views and parks. The development will have an adverse impact to the city and economy.

**Linda Smith, 1901 Sunset Drive** – moved into neighborhood from 1966 to 1978 and came back to same neighborhood in 1996 to live and raise children. Wants to keep the heritage neighborhoods which are to preserve and remember who we are. She has similar objections to those already brought up such as the loss of farm land, loss of natural landscape and wildlife, loss and disruption of the neighborhood climate. If this is

approved it will be years of construction and disruption of services along with a strain on the school district, emergency services and dike district. There will be a loss of property value as you change the landscape and culture of the neighborhood. She is also concerned about the political process involved - who gains from this; what criteria are used to make this decision? All we have at this point is the draft EIS. Ms. Smith supports the No Action alternative and more parking for the boat launch, but at a minimally invasive means maybe more gravel.

**Fleek** – explained that our (Planning Department) job is to gather information, identify the alternatives of which there are five. One alternative is no action, one single family and duplex only, and other is a little higher single family, but no apartments, the other two alternatives have apartments. The full range of alternative is on the table. The decision making process is that we write the final EIS, laying out all the comments received and try to clarify what the issues are. The final EIS goes with the Staff Report that makes a recommendation on one of the alternatives to the Planning Commission. The Planning Commission conducts a public hearing on the rezoning of the land and their recommendation goes to the City Council. The City Council makes the final recommendation as to how the zoning would be if the property were annexed. The actual zoning would not happen until after annexation because as it stands now, the property in Skagit County has a 500 foot Special Flood Risk Zone between the edge of the levy and where you can building anything, basically right up to farm buildings. If they are going to do anything on most of that land they have to annex into the city where the buffer goes down to 300 feet. It is a long process we want to make sure everyone has their issues covered.

**Sonya Harvey** – is concerned about the coal trains and the process; we hear all the talk and the process feels like we are being pushed into a decision. Supports the No Action alternative.

**Kelly Moss, 1735 E Fairhaven** – is a Burlington-Edison school district employee and works at Lucille Umbarger which houses nearly 700 students, and they are bursting at the seams. She has big concerns for the Delahunt property and it should not be approved for this much housing. Concerned that our streets and schools are overwhelmed. Our traffic can barely handle day-to-day use without adding this many more vehicles to the roads, the coal trains are locking us down and emergency services are on the west side of the tracks. Farm land should be kept farm land. If farm land is not to be kept farm land why was the school district not able to build a much needed school on the Pulver Road property, and why are we considering building an apartment complex of this magnitude on farm land. The apartment complex will put increased growth on our school district by adding several hundred students on our already stressed systems, the land is located in a special flood risk area in Skagit County and a complex housing hundreds of people should not be built in the flood zone. It sets us up for a major disaster building this close to the river. She supports the No Action alternative.

**Nealie Heinekin 1721 E Rio Vista Avenue** – concerned with property values, noise, crime, visual impact, traffic, safety, especially many more children living near the river. Property values - the character of the neighborhood would change from single family to high density. She consulted a realtor who said their property values would go down, and she has spent eight years fixing up their property to bring up the value. Noise - it is a neighborhood. When she sits in her backyard, she can hear birds, quiet, peace. If you stand on the dike near Sanchez Lane you can hear the noise the apartments create. It is not loud music or fights; it is that many people making day to day noise. Schools – Lucille Umbarger absorbed West View's 7<sup>th</sup> and 8<sup>th</sup> grades; how many more kids are we going to take? Crime – they have had stuff stolen out of their front yard along with vandalism. The police have stopped by said Rio Vista is a short cut for criminals so let's add 150 apartment, duplexes, more homes. Visual impact - the dike equals visual impact. Traffic – is already crazy. Gardner Road Boat Launch, why do they close the gate at dark - because there is criminal activity down there or if the water is too high; they do not want people near the water. Safety – the number of children living in apartments and duplexes near the river. Children will go down to the river and if one kid falls in and dies it will devastate this community. Putting that many people in a small area we will lose our peace and quiet.

**Mike Fohn, 225 E. George Hopper Road, project proponent** (along with Chad Fisher and Joe Peterson) – stated they sense a lot of frustration with the multi-family housing proposed and understands their concerns shared tonight. He clarified that Raspberry Ridge it is not the City of Burlington’s responsibility, it was the County Commissioners and Skagit County who approved the project.

They began the project in 2013 proposing an RV park, but that did not work out. The MR-NB zoning proposal allows reuse of the existing farm buildings. They do not have a specific project at this time, but before any project is approved, the zoning has to be approved, then property annexed and any projects would come back to the city for review. **Fohn** pointed out on the conceptual drawing the area Dike District will be raising the dike and widen the base as part of the dike certification. Also, part of the boat launch ramp road on Gardener Road will be reconstructed. They also purchased property from the Dike District for an additional access road to S. Section Street.

**Fleek** stated the process will take some time; it is farmland use and zoned open space. The County lost a lawsuit in Sedro Woolley a few years ago and all zoning in the Urban Growth Area went to 1 unit per 5 acres everywhere. If this property stays in Skagit County this would allow three houses to be constructed. **Fleek** explained the reason we are doing the detailed EIS is so the public has the choice to say I like this alternative or I don’t like this one, etc.

**Diane Hume** – expressed we do understand the project isn’t happening yet, but we feel it is a done deal with the logging of trees in the area and the area is changing character. An RV park would be a better idea. **Fleek** stated it would have been 300 RV units, not RV parking for the river.

**Duane Holden, 1717 Rio Vista** – grew up at this location and his mom still lives there; it is a tight community and neighborhood. Concerned with traffic impacts and safety and is asking the city to consider single family and duplex instead of apartment buildings.

**Fleek** thanked everyone for coming to the meeting and commenting, and they will be kept informed.

Meeting adjourned.





SEMRAU ENGINEERING & SURVEYING, P.L.L.C.

March 4, 2015

Margaret Fleek  
Planning Director, City of Burlington  
833 S. Spruce Street  
Burlington, WA 98233

RECEIVED

MAR 04 2015

CITY OF BURLINGTON  
PLANNING DEPT.

**Subject: Comments on Draft EIS for  
Sharon Alder LLC, SW corner Rio Vista and Gardner Road**

Dear Ms. Fleek:

Skagit County Dike, Drainage and Irrigation District No. 12 (District or DD12) has reviewed the Draft EIS and appreciates the opportunity to provide comment on the addition detail in the EIS and the proposed action.

DD12 would like to continue to emphasize that an easement is required along the proposed property frontage of the DD12 levee facility.

DD12 is ok with development of an overflow parking lot for the boat launch within the 300 foot special flood risk zone as long as the improvements do not block access to or fall within the required easement area needed by the District. Design and construction of a parking lot within the flood risk zone must limit the cuts and fills and not raise the level above the surrounding ground. DD12 should be consulted and given opportunity to review any proposed improvements within the special flood risk zone.

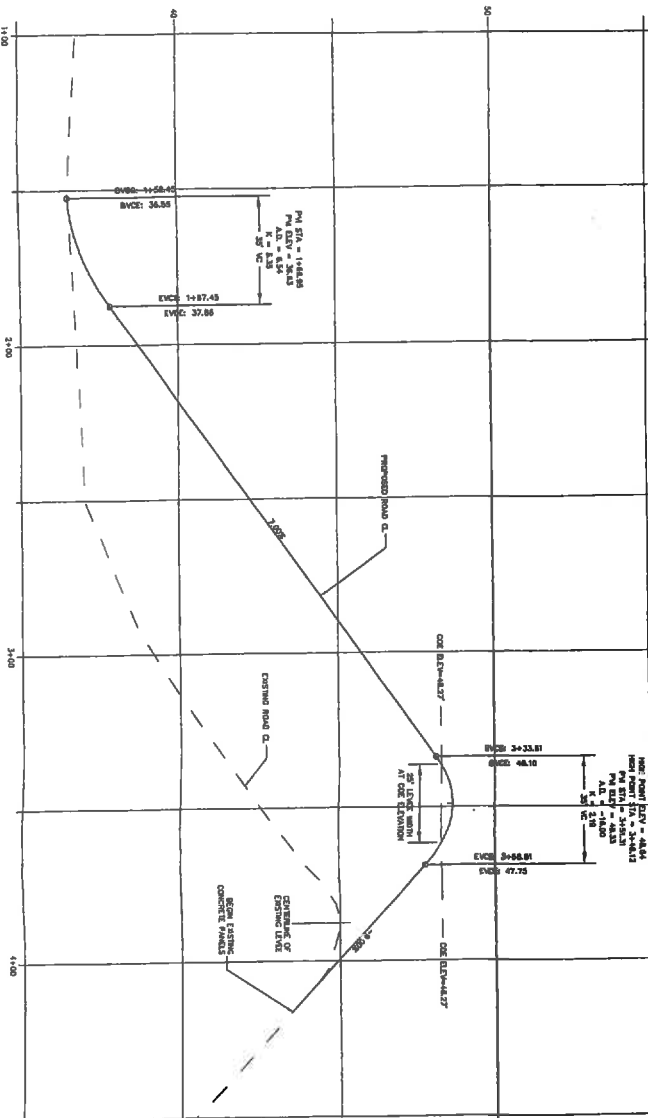
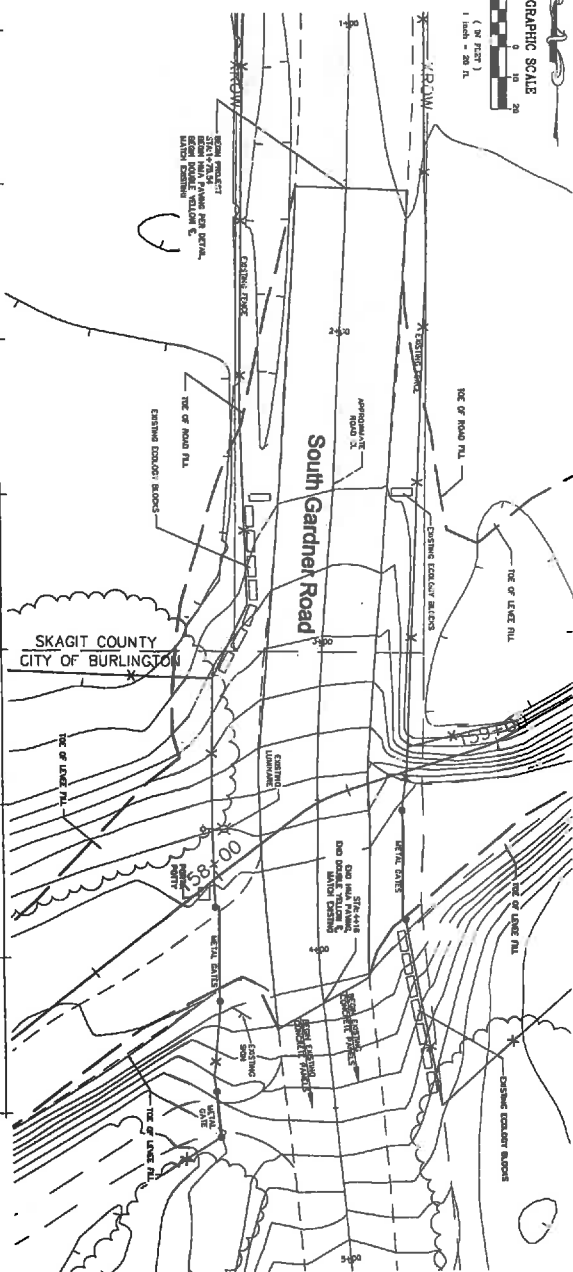
We are attaching copies of Sheets 22, 23 and 24 from the Reichhardt & Ebe plans prepared for the City of Burlington for Gardner Road Boat Launch and the DD12 Levee Certification project. Improvements to Gardner Road by the applicant and the design of the overflow parking area need to incorporate these attached road plan elements. DD12 would like to be involved in review of any proposed changes to Gardner Road and the relocation or changes to the boat launch gates in this area.

Semrau Engineering & Surveying

A handwritten signature in black ink, appearing to read 'John B. Semrau', is written over a horizontal line.

John B. Semrau, PE & PLS  
[john@semrau.com](mailto:john@semrau.com)  
360-424-9566  
360-424-6222 Fax

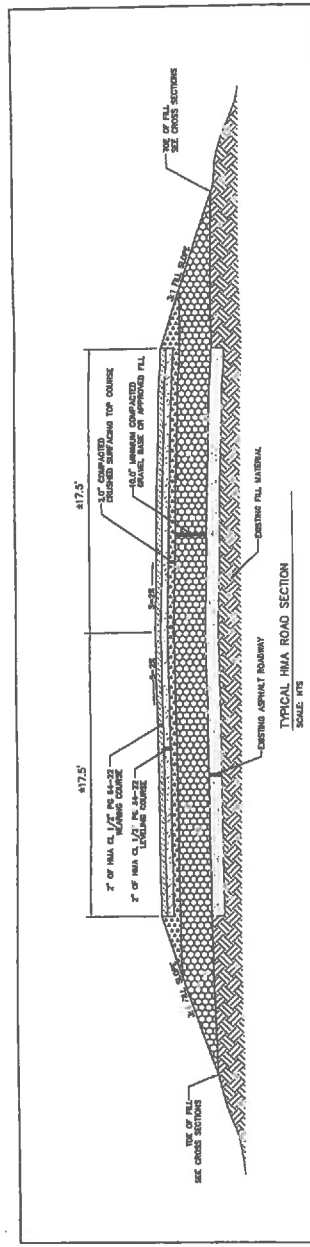
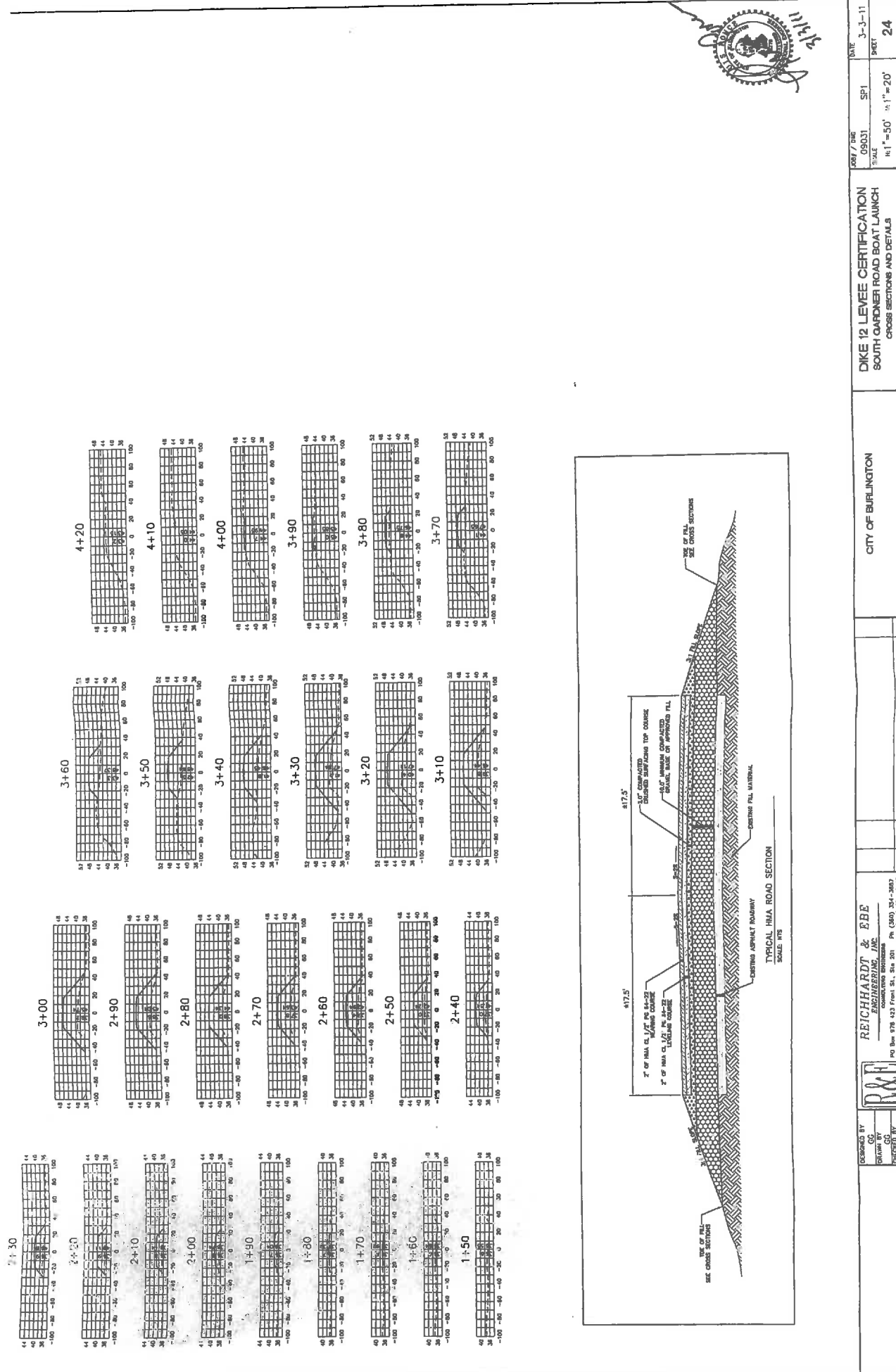




PROPOSED LEASE WATERPOINT  
PROPOSED LEASE CENTRULINE  
EXISTING LEASE CENTRULINE  
EXISTING ASPHALT ROADWAY  
EXISTING GRAVEL ROADWAY  
EXISTING FENCELINE

**LEGEND**

09031	SP1	3-3-11
SCALE		SH-ELT
$H_1 = 20'$	$V_1 = 2'$	23



DESIGNED BY GEO. L. REICHARDT & EBE	DATE 3-3-11
CHECKED BY GEO. L. REICHARDT & EBE	SHEET 24
PROJECT DIKE 12 LEVEE CERTIFICATION SOUTH GARDNER ROAD BOAT LAUNCH CROSS SECTIONS AND DETAILS	SCALE HVS' = 50' 1/4" = 20'
CITY OF BURLINGTON	
REVISION	BY
DATE	

## Margaret Fleek

---

**From:** James Harvey <james.c.harvey@comcast.net>  
**Sent:** Tuesday, March 03, 2015 3:22 PM  
**To:** BPlanning  
**Subject:** EIS and Public Hearing

(Concerning Development of the 17 acre site on the corner of Rio Vista and South Gardner) Instead of more congested dwellings this area should be promoted as a public, scenic and recreational area not only for local residents but for the increasing number of visitors we host. This a great opportunity for Burlington as this parcel has access to a river with amazing views, something that could be capitalized on environmentally and economically.

Whidbey Island, Anacortes, the San Juans, Mount Vernon (and its new boardwalk) La Connor, Sedro- Woolley and all the way up to Rockport – What all these cities and towns have in common, besides great multi-use parks, is water access and burgeoning businesses based on that special geography. It draws people from around the world.

Burlington has an opportunity to throw its hat in the ring. We are currently a “pass through hub” or! “the place to stock up at Costco and run through the Mall”. We can promote ourselves in addition to that, to diversify.

By utilizing this parcel we can consider B&B houseboats, jetboat and fishing excursions, river cruises, bike paths connecting to a major bike route and the park itself as a multi-use venue for concerts and competitions. These activities would draw more people to Old Town Burlington and would not be just tourist dependent. Our current economy and changing trend has families and area residents looking more and more toward “staycations” all of which benefits our LOCAL economy.

If the Janicki project at Northern State goes forward, this will be a huge generator for local visibility. All the more reason to make Burlington user friendly NOW by promoting its rural based economy and natural beauty, but most importantly by making sure it stays accessible for all of us that call Burlington “Home”.

Sonia Harvey

Dear Planning Dept.,

Let's suppose a developer wants to build (cram) apartments on a quiet and rural piece of property. Surrounding residents don't want it; it will decrease their property values and quality of life. Can they sue for property damage and personal injury? Can they sue because the infrastructure their tax dollars pay for will now be overwhelmed and insufficient (ambulance, police, response times, road repair, teacher-student ratio)? Can they get a cease and desist order?

Let's assume it's built anyway and marketed and sold to families unfamiliar with the area (because they haven't lived there, right? But the county and developer KNEW the risks of this location). Do the new residents realize the closest school is already overcrowded? Or that when they let their kids out to play there is a drowning hazard in the back yard? When this congested area floods (and it will) how do all these people get over the train tracks to evacuate? Where does the money come from to rebuild? Can this truly be considered a natural disaster, or could the cost of the damage have been mitigated by not building there? Can they now sue for being bamboozled and put in harms way?

And why add to the current unresolved problems of highway 20? Gridlock and dangerous pedestrian crossings; a crosswalk on Skagit Street is just a band aid. But that's another problem. Or is it?

RECEIVED

MAR 04 2015

CITY OF BURLINGTON  
PLANNING DEPT.

Mrs. Sonia Harvey  
and Family  
Travis Ln.  
Burlington, Wa. 98233

**Kim Ohara**

---

**From:** Jeanne <stillyflats@frontier.com>  
**Sent:** Wednesday, March 04, 2015 9:03 AM  
**To:** BPlanning  
**Subject:** Section Street Access to proposed development

Burlington Planning Department:

The Section Street access to the proposed development of the Delahunt property is poor planning as it accesses an area where it would cause major disruption to the existing neighborhood on Section and Reanna Place, and to the users of the volleyball court at Rotary Park. Driveways are very close to the proposed intersection and there is much street parking in this area. Visibility would be poor and create a dangerous situation. Quality of life for existing homeowners would majorly deteriorate due to noise and constant traffic.

If this new street is being created as an access street, that seems to be a misclassification. An access street is defined as a street traveled by 500 or fewer cars per day. Proposed use by 150 or fewer cars per day is a gross understatement. The illustration of the proposed development clearly shows the street accessing Section Street as the most direct route in and out of the development. Assuming 150 cars for 150 apartment units is not based on reality. Most families have 2 or more cars which would be traveling daily. Don't overlook the 7 proposed single family residences and 15 duplexes. Most of the duplexes are in a direct line to travel the road accessing Section Street. You could conservatively add another 70 cars to the estimate. Even if you only estimate 350 cars, there would be well over 500 cars traveling the street everyday, considering that they would not only be traveling to work, but returning home, taking kids to school and back, making shopping trips and all the normal activities of daily life. I would assume that these residents would also have visitors.

Any development that is allowed on the Delahunt property should not access Section Street in the proposed location. It was not chosen on logic, only convenience because the developers were able to purchase the 50 foot wide access to Section. If the city chooses to annex the Delahunt property, then they need to ensure the best possible planning. The city has the ability to require that the proposed road meets requirements for the amount of traffic that it will generate. If the city allows this development, then they should sell (or make a trade) the developers property adjoining the water treatment plant as a much better location for a street. The street could intersect directly opposite to the park entrance. This would be in an area far away from residences, driveways, and street parking. Visibility would be much better. Ideally, a roundabout would be incorporated into the access for better traffic flow and safety.

There is no reason for the City of Burlington to rush into a decision to incorporate the Delahunt property into the city. There is every reason to take the time to thoroughly consider the ramifications so as to make the best possible decision for the people that they represent, the residents of the area.

Sincerely,

Jeanne Mahoney

Jeanne Mahoney  
8002 Thomle Road  
Stanwood, Washington  
98292  
(360) 629-2035

RECEIVED

MAR 03 2015

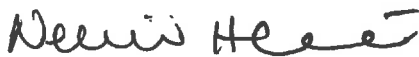
Margaret Fleek,

CITY OF BURLINGTON  
PLANNING DEPT.

I am sure you are not getting as many responses due to the fact that we have to mail in our comments instead of e-mailing them. This does not mean that this neighborhood does not feel the same as the first proposal. We bought our home 8 years ago and after the first proposal was mailed out we had a real estate agent come to give us the value of our home. As you know all our home values drastically decreased and has been SLOWLY working its way back up. We did this thinking if this actually happens we would sell and move our family away. She priced our home five thousand dollars below what we paid for it 8 years ago. Our real estate agent has worked in Skagit Valley for 30 years as an agent. She made it clear that absolutely our home values WILL go down. She said we needed to fight our hardest fight to make sure this does not happen. I want to know if anyone has taken into consideration all of us home owners? We cannot sell our home at this time, and we should not have to. I also went for a walk up the boat launch road last week, which was closed off to traffic for public safety because the river was so high. The water was all the way up to the speed pump on the down side of the road. I just shook my head wondering how this could even be possible. Because it was a sunny Sunday there were plenty of people walking up to check out the flooding river as well as going on there scenic quit walks. I talked to a few walkers and they were devastated with the new of what could possibly happen to the area. I have enclosed some reasons and concerns for this proposal. As neighbors and a neighborhood I have not talked to one single person who is supportive of this proposal.

Again thank you for your time and consideration. Please keep us in the loop. We will do whatever we need to do to help keep this from happening. If it takes a petition with the signatures of this neighborhood and residents of the city of Burlington that is what we will do. I also intend to contact the Skagit Valley Herald again to see if they can do a follow up story on this.

Thank you,



Nelialie and John Heineken

1721 E Rio Vista Dr.

Burlington Wa, 98233

360-873-8341



**These are some but not all of the reasons for opposing the zoning and development proposal for E Rio Vista AVE. For these but not all reasons:**

- 1. Property values. The character of the neighborhood would change from single-family residential to high-density which we believe will have a negative impact on our property values.**
- 2. Noise. The increase of traffic as well as increased associated with more residents will negatively affect the quite enjoyment of our properties.**

\* Stand at the entrance of Sanchez Lane up ~~at the~~ <sup>off of</sup> Gardner and you can hear all the noise that apartment complex makes. I do not know how many apartment are there but I am sure it is not 150.

**Not to mention the effects associated with months of construction.**

- 3. Crime. Per the notice there will be single family homes as well as <sup>4 up to</sup> a 150 unit apartment complex. Our perception is that renters are less invested in the community they are living in (versus an owner living in the house they own). Rent is usually less than mortgages and the rental clientele is typically less committed to the neighborhood and property than homeowners. The lack of income and tight living quarters could result in greater crime, vandalism and theft.**

- 4. Flooding. Concrete/asphalt for building pads and parking lots will result in more impermeable surface area. In a high water event, water is more likely to extend closer to our homes, if not reach our homes, because it would not be absorbed into the ground as it does now into existing farm/field area. This would be particularly true if the complex's storm drain system is overwhelmed. No such concerns exist now in the land's current condition.**
- 5. Visual Impact. The proposed buildings could be as much as 35 feet taller than most of our homes. This would obviously change the**

**characteristics of our neighborhood. Also since they will be located to the south this could impact the amount of sunlight we are able to enjoy as well as the visual natural view we have now.**

- 6. Traffic. Concerns of the added traffic. Right now it is proposed to have the entrance to the duplexes to be on the boat launch road. This makes no sense. When the river gets high the gate is closed for public safety concerns. Right there tells you the city and county do not want the public on this road. Also the added traffic on section with the entrance to the apartments situated right**

behind L.U is a huge safety concern with all the foot traffic of kids coming and going from school and school events.

7. L.U. already absorbed all of the 7<sup>th</sup> and 8th graders from West View and now it would have to bring in the children that would now be in an apartment complex across the street. With class sizes already at the max this would make no sense for our school as well as the education of our children.

#8 Also concern for children in the apartment complex <sup>who "will"</sup> ~~who~~ play behind in the woods that then can lead to the fear of the river. Only take<sup>s</sup> losing ONE child. Devastating to a community!!

## Margaret Fleek

---

**From:** Tim Thompson <timtenterprises@comcast.net>  
**Sent:** Saturday, February 28, 2015 10:55 AM  
**To:** BPlanning  
**Subject:** Fw: Rio Vista/Gardner Road 15+ acre site proposal

----- Original Message -----

**From:** Tim Thompson  
**To:** [mfleek@burlingtonwa.gov](mailto:mfleek@burlingtonwa.gov)  
**Sent:** Saturday, August 02, 2014 8:09 PM  
**Subject:** Rio Vista/Gardner Road 15+ acre site proposal

To whom it may  
concern,

I Strongly oppose this site being used for multifamily dwellings (... a hundred+ unit apartment building). For several reasons: because of the location near the river access and boat launch this park like setting would be damaged not to mention the additional activity and possible criminal element in and around the river banks. As a long time resident at 500 South Gardner Road these structures would give me adverse concerns because of the different appearance compared to the long time existing residential single family homes. I sincerely hope these types of structures arent allowed here. As a Home owner I thank You. Tim Thompson.

\_\_\_\_\_ Information from ESET NOD32 Antivirus, version of virus signature database 10157 (20140726)  
\_\_\_\_\_

The message was checked by ESET NOD32 Antivirus.

<http://www.eset.com>

\_\_\_\_\_ Information from ESET NOD32 Antivirus, version of virus signature database 10350 (20140901)  
\_\_\_\_\_

The message was checked by ESET NOD32 Antivirus.

<http://www.eset.com>

\_\_\_\_\_ Information from ESET NOD32 Antivirus, version of virus signature database 11248 (20150228)  
\_\_\_\_\_

The message was checked by ESET NOD32 Antivirus.

<http://www.eset.com>

**Kim Ohara**

---

**From:** ron small <smallron1@hotmail.com>  
**Sent:** Friday, February 06, 2015 10:39 AM  
**To:** BPlanning  
**Subject:** Delahunt Property

Our family has owned the property that borders the west side of the Delahunt property for almost 50 years. The last thing we want is 3 story apartment complexes, Duplexes, or Townhouses looking down on us! Not only because of the privacy, the effect it would have on our property value, or thinking back to when they had the migrant camp there and we were robbed several times but because of the huge effects it would also have on the neighborhood. It would be a huge impact on the roads with all the extra cars and foot traffic thru the neighborhood. Single family homes would be ok as most people take pride in ownership but anything else I would consider temporary housing and there is no place in our neighborhood for that. If the (developers) are looking for a income base maybe they should try to put it in their neighborhoods and see how that is recieved by their friends and neighbors!

Burlington Planning Department  
833 South Spruce Street  
Burlington, Washington 98233

RECEIVED  
FEB 20 2015  
CITY OF BURLINGTON  
PLANNING DEPT.

**RE:** Comment regarding the draft impact statement and proposal to amend the Comprehensive Plan and Zoning designation for the Delahunt property on the southwest corner of East Rio Vista Avenue and South Gardner Road.

**Attn:** Ms. Ms. Margaret Fleek,

Dear Ms. Fleek,

First, I would like to commend you and the rest of the staff at the Building Department for the work you have done in regards to the Delahunt property rezone attempt.

As the documents clearly state, the proposed project will have a significant impact on the surrounding area, including the existing neighborhoods and the boat launch. Impact will be also experienced by the rest of the Burlington community.

I respectfully disagree with the statement that the impact on the local school district is difficult to determine. The determination has already been made. Two articles in the Skagit Valley Herald (August 28, 2014 & September 14, 2014) identified Burlington Edison High School and Westview Elementary with ratings of 5, This is the most problematic rating that a public school can be assigned. The 5 rating means a school is **failing**. Lucille Umbarger Elementary received a rating of 4 which reflects the need for significant improvement. The Burlington-Edison public school system is not currently in a position to absorb the hundreds of children that the proposed development will bring. Add to this the lack of a site to construct a new school (assuming the tax payers would support such a plan) and it is clear that this is the wrong project in the wrong place at the wrong time. The school district is already struggling.

A few years back, when Burlington created its Comprehensive Plan, the vision shared with the citizens was one in which the city would not allow urban sprawl. An appealing vision of green belts surrounding the community was part of a plan that recognized that growth for growth's sake does not have to be the inevitable future for our community. This proposal flies in the face of what has already been envisioned.

A final point I would like to share is this. The property in question is currently not in the city. The proposal that the project developer / investors created was done without any real input from the residents. And yet, they are, in essence, asking those of us who live here to pay cost for the services and infrastructure that their venture will bring.



It is my hope that the views of those who live in the city will carry significant weight in the decision-making process in regards to this project. We, (and not the developer/investors) are the ones who will have to live with it and continue to pay for it. I vote for Option 6.

Sincerely,



Robert Malphrus, Sr.  
1729 East Rio Vista Avenue

**DATE:** February 6, 2015

**TO:** File

**FROM:** David Powell, 1608 E. Rio Vista Avenue

**RE:** Delahunt Property Proposal by Sharon Alder LLC

David Powell called with his concerns for the proposed development by Sharon Alder LLC at Rio Vista and Gardner Road:

- Will apartment buildings be elevated to meet flood elevation requirements? The schematic drawing shows apartments at ground level.
- Concern with fire truck access and turn-around in proposed cul de sac.
- The overflow boat launch parking area is not big enough. Also, people who walk on the dikes park at the boat launch and walk. Where are boaters and walkers supposed to park?
- Concern with overflow parking on a slope.

kjo

## Margaret Fleek

---

**From:** shooting\_star87@comcast.net  
**Sent:** Wednesday, March 04, 2015 3:02 PM  
**To:** BPlanning  
**Subject:** Response To Public Hearing  
**Attachments:** Response to public hearing.docx

Let's suppose a developer wants to build (cram) apartments on a quiet and rural piece of property. Surrounding residents don't want it; it will decrease their property values and quality of life. Can they sue for property damage and personal injury? Can they sue because the infrastructure their tax dollars pay for will now be overwhelmed and insufficient (ambulance, police, response times, road repair, teacher-student ratio)? Can they get a cease and desist order?

Let's assume it's built anyway and marketed and sold to families unfamiliar with the area (because they haven't lived there, right? But the county and developer KNEW the risks of this location). Do the new residents realize the closest school is already overcrowded? Or that when they let their kids out to play there is a drowning hazard in the back yard? When this congested area floods (and it will) how do all these people get over the train tracks to evacuate? Where does the money come from to rebuild? Can this truly be considered a natural disaster, or could the cost of the damage have been mitigated by not building there? Can they now sue for being bamboozled and put in harms way?

And why add to the current unresolved problems of highway 20. Gridlock and dangerous pedestrian crossings; a crosswalk on Skagit Street is just a band aid. But that's another problem. Or is it?



PLANNING & PERMIT CENTER

833 S. Spruce Street  
Burlington, WA 98233

(360) 755-9717 Fax: (360) 755-9309  
bplanning@ci.burlington.wa.us

**REZONE APPLICATION**

*Shaded areas for official use only*

REZONE # 24P-14 DATE FILED 7/10/14 RECEIPT NUMBER 06820

NAME SHARON ALDER LLC PHONE 360-899-5300

ADDRESS P.O. BOX 650 BURLINGTON WA 98233

ADDRESS OF PROPERTY IF DIFFERENT 1724 E RID VISTA AVENUE BURLINGTON WA 98233

LEGAL DESCRIPTION OF PROPERTY PLEASE SEE ATTACHED

SKAGIT COUNTY ASSESSOR PARCEL NUMBERS P62688, P62713, P62736

SIZE OF PROPERTY IN ACRES OR SQUARE FEET 15<sup>+</sup> ACRES

PRESENT ZONING URR REQUESTED ZONING MR-NB  
COMPREHENSIVE PLAN DESIGNATION WITH VARIANCES NOTED

PROPOSED USE OR REASON FOR REZONE ANNEXATION

APPLICANT'S REPRESENTATIVE (IF APPLICABLE) EAGLE RIDGE ENTERPRISES INC.  
P.O. BOX 650 BURLINGTON WA 98233. 360-899-5300

DATED THIS 10<sup>th</sup> DAY OF JULY, 20 14

[Signature]  
SHARON ALDER LLC  
SIGNATURE (MUST BE OWNER OR CONTRACT PURCHASER)

**PLEASE ATTACH THE FOLLOWING:**

1. SITE PLAN, WITH DIMENSIONS, SHOWING PROPERTY BOUNDARIES, EXISTING AND PROPOSED STRUCTURES, STREETS, AND OTHER SIGNIFICANT PHYSICAL FEATURES.
2. COMPLETED ENVIRONMENTAL CHECKLIST (IF REQUIRED).
3. LIST OF PROPERTY OWNERS LOCATED WITHIN 600 FEET OF THE SITE, TO BE OBTAINED FROM THE COUNTY ASSESSOR'S OFFICE.

## Kim Ohara

---

**From:** Tim Thompson <timtenterprises@comcast.net>  
**Sent:** Saturday, February 28, 2015 10:55 AM  
**To:** BPlanning  
**Subject:** Fw: Rio Vista/Gardner Road 15+ acre site proposal

----- Original Message -----

**From:** Tim Thompson  
**To:** mfleek@burlingtonwa.gov  
**Sent:** Saturday, August 02, 2014 8:09 PM  
**Subject:** Rio Vista/Gardner Road 15+ acre site proposal

To whom it may  
concern,

I Strongly oppose this site being used for multifamily dwellings (... a hundred+ unit apartment building). For several reasons: because of the location near the river access and boat launch this park like setting would be damaged not to mention the additional activity and possible criminal element in and around the river banks. As a long time resident at 500 South Gardner Road these structures would give me adverse concerns because of the different appearance compared to the long time existing residential single family homes. I sincerely hope these types of structures arent allowed here. As a Home owner I thank You. Tim Thompson.

\_\_\_\_\_ Information from ESET NOD32 Antivirus, version of virus signature database 10157 (20140726)  
\_\_\_\_\_

The message was checked by ESET NOD32 Antivirus.

<http://www.eset.com>

\_\_\_\_\_ Information from ESET NOD32 Antivirus, version of virus signature database 10350 (20140901)  
\_\_\_\_\_

The message was checked by ESET NOD32 Antivirus.

<http://www.eset.com>

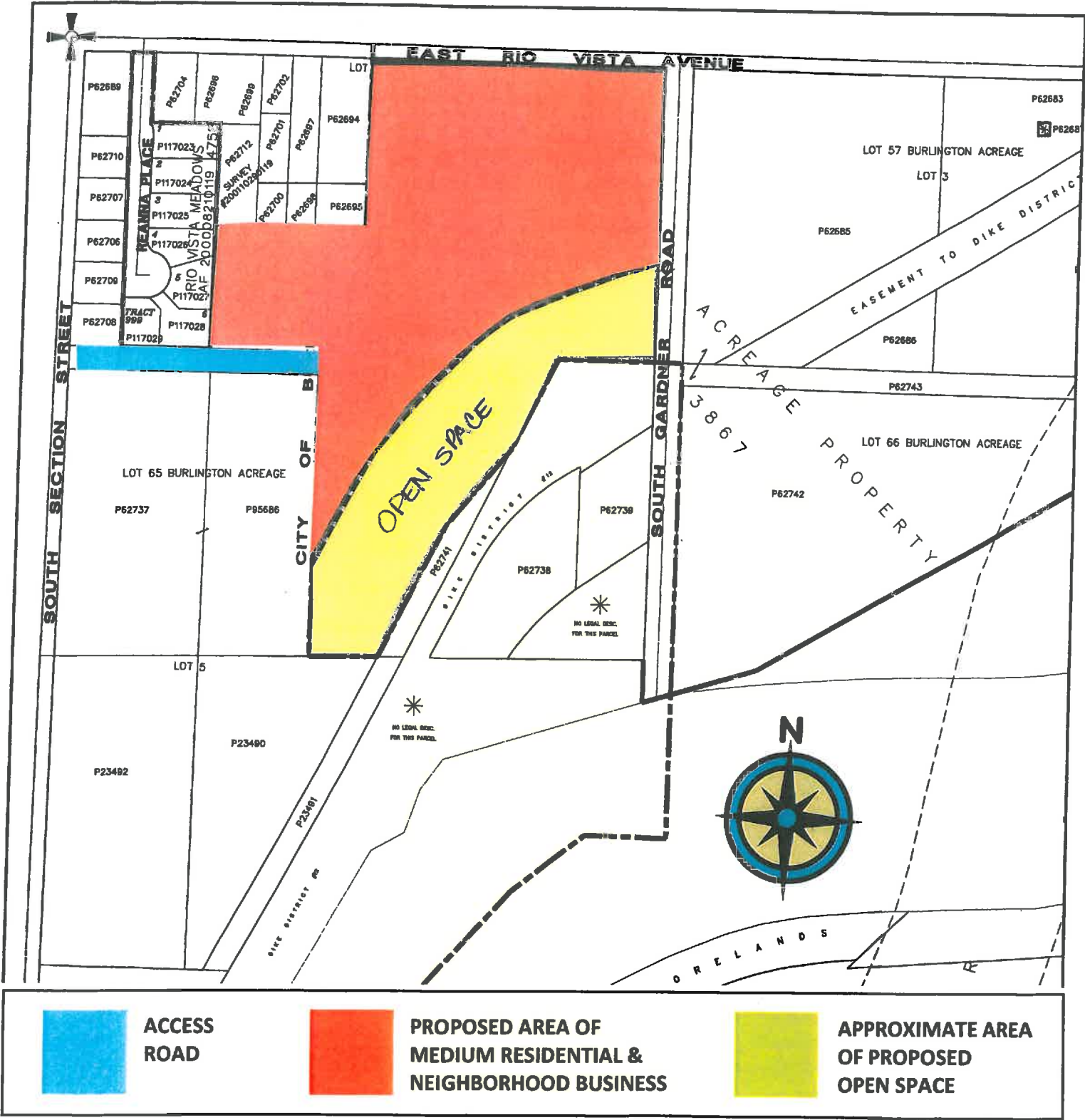
\_\_\_\_\_ Information from ESET NOD32 Antivirus, version of virus signature database 11248 (20150228)  
\_\_\_\_\_

The message was checked by ESET NOD32 Antivirus.

<http://www.eset.com>

## ***MAPS AND CONCEPT PLAN***

# APPLICANT'S PROPOSAL







**Delahunt Addition**

**Rendering View Looking Northwest**





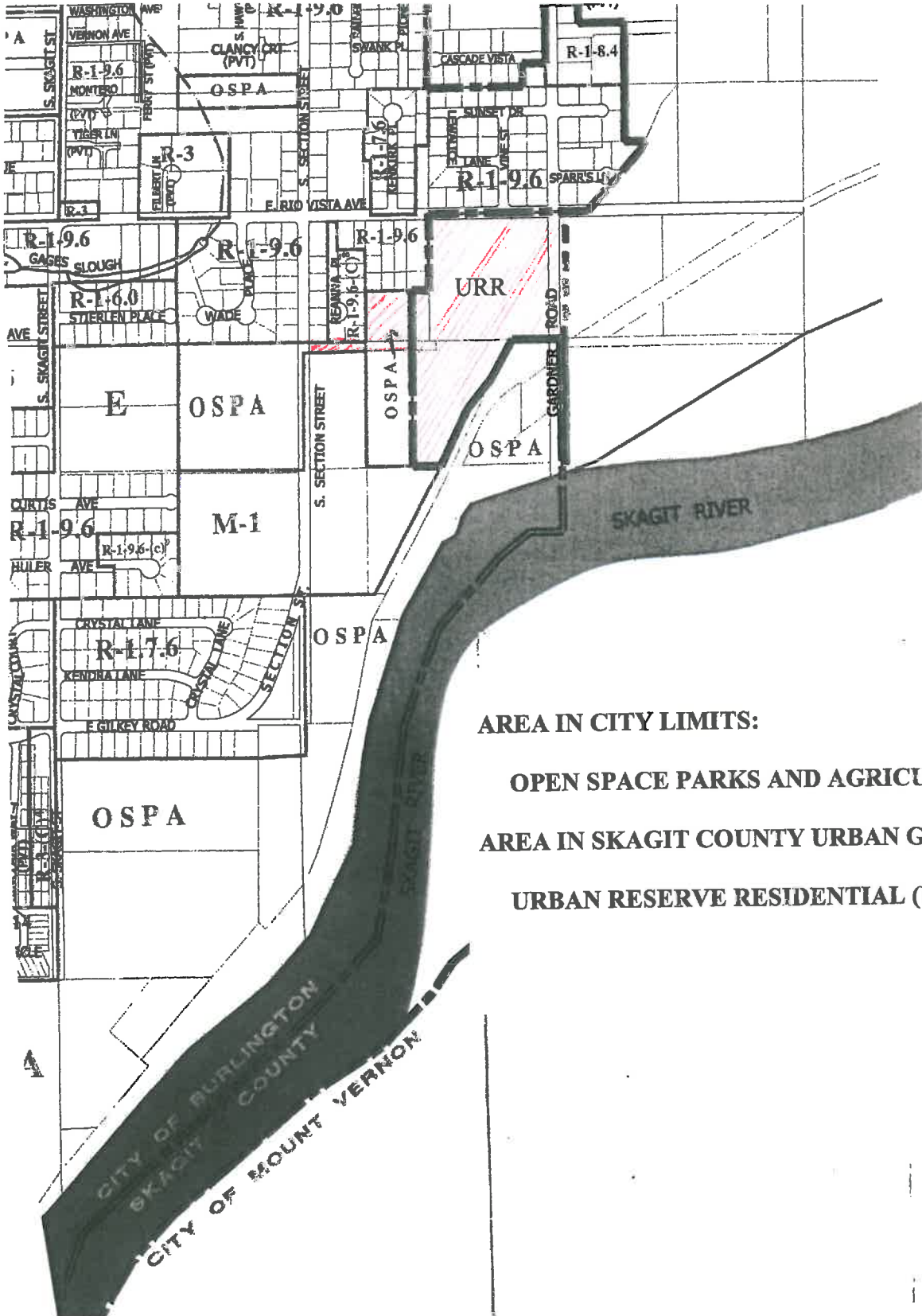
# Delahunt Addition



Illustrative Site Plan Concept  
12/12/14



## EXISTING ZONING



# EXISTING TOPOGRAPHY AND LAND USE

